

OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management

MEMORANDUM OM 17-05

December 8, 2016

To: All Regional Directors, Officers-in-Charge,  
and Resident Officers

From: Beth Tursell, Associate to the General Counsel

Subject: Non-Docketing of Facially Inappropriate Charge or Petition Forms

From time to time, field offices may receive a filing for docketing, such as a charge or petition form or attachment thereto, that contains either defacements of the form itself or blatantly false and demeaning language or epithets targeting an opposing party, witness, or counsel. Examples are references to a charged party or its counsel as “employer terrorists” or to the charged party’s principal product or service as “worker misery and abuse.” Use of blatantly false, demeaning or offensive language should not be countenanced at any time during the life of a Board case, including at the initial docketing stage.

Accordingly, Regional offices should not docket charge or petition forms that contain blatantly false and demeaning language or epithets. Rather, Regions should return the undocketed form to the charging party or petitioner, with an explanation that it will not be docketed in its present form. A charge or petition containing facially inappropriate language may be docketed if rejection could result in the case being time-barred. However, the Region should immediately seek an amendment to delete the offensive language or claims and, if the Charging Party objects, should dismiss for lack of cooperation. In assessing the merits on a case-by-case basis, Regions are not required to research or analyze state bar or ethics rules. Rather, Regions should bring any issues that raise concerns under this policy, but are not obvious on its face to your AGC or Deputy, who will consider all Agency resources in developing guidance.

If you have any questions about this memorandum, please contact your AGC or Deputy.

/s/  
B. T.

cc: NLRBU